REMARKS

The Final Office Action mailed September 11, 2007, has been received and reviewed. Claims 1 through 27 are currently pending in the application. Claims 10 through 27 were withdrawn in response to a restriction requirement. Claims 1 through 4, and 7 through 9 stand rejected. Claims 5 and 6 are allowed. Applicants propose to cancel claim 1, amend claim 2, add claims 28-33, and respectfully request reconsideration of the application as proposed to be amended herein.

35 U.S.C. § 102(b) Anticipation Rejections

Anticipation Rejection Based on U.S. Patent No. 6,474,778 to Koitabashi et al.

Claims 1 and 2 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Koitabashi et al. (U.S. Patent No. 6,474,778) (hereinafter "Koitabashi"). Applicants respectfully traverse this rejection, as hereinafter set forth.

A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. *Verdegaal Brothers v. Union Oil Co. of California*, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). The identical invention must be shown in as complete detail as is contained in the claim. *Richardson v. Suzuki Motor Co.*, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

Claim 1 has been cancelled. Claim 2 has been amended to depend from allowable independent claim 5. Therefore, the Applicants respectfully request withdrawal of the rejection as being moot.

35 U.S.C. § 103(a) Obviousness Rejections

Obviousness Rejection Based on Koitabashi in view of U.S. Patent No. 6,158,834 to Kato et al.

Claims 3 and 4 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Koitabashi in view of Kato et al. (U.S. Patent No. 6,158,834) (hereinafter "Kato"). Applicants respectfully traverse this rejection, as hereinafter set forth.

To establish a *prima facie* case of obviousness the prior art reference (or references when combined) **must teach or suggest all the claim limitations**. *In re Royka*, 490 F.2d 981, 985

(CCPA 1974); *see also* MPEP § 2143.03. Additionally, there must be "a reason that would have prompted a person of ordinary skill in the relevant field to combine the [prior art] elements" in the manner claimed. *KSR Int'l Co. v. Teleflex Inc.*, 127 S. Ct. 1727, 1742, 167 L.Ed.2d 705, 75 USLW 4289, 82 U.S.P.Q.2d 1385 (2007). Finally, to establish a *prima facie* case of obviousness there must be a reasonable expectation of success. *In re Merck & Co., Inc.*, 800 F.2d 1091, 1097 (Fed. Cir. 1986). Furthermore, the reason that would have prompted the combination and the reasonable expectation of success must be found in the prior art, common knowledge, or the nature of the problem itself, and not based on the Applicant's disclosure. *DyStar Textilfarben GmbH & Co. Deutschland KG v. C. H. Patrick Co.*, 464 F.3d 1356, 1367 (Fed. Cir. 2006); MPEP § 2144. Underlying the obvious determination is the fact that statutorily prohibited hindsight cannot be used. *KSR*, 127 S.Ct. at 1742; *DyStar*, 464 F.3d at 1367.

The 35 U.S.C. § 103(a) obviousness rejections of claims 3 and 4 are improper because the cited references do not teach or suggest all of the claim limitations.

Claims 3 and 4 depend from claim 2, which in turn, depends from allowable independent claim 5. The nonobviousness of independent claim 5 precludes a rejection of claims 3 and 4 which depend therefrom because a dependent claim is obvious only if the independent claim from which it depends is obvious. *See* In re Fine, 5 U.S.P.Q.2d 1596, 1600 (Fed. Cir. 1988), *see also* MPEP § 2143.03. Therefore, the Applicants respectfully request that the Examiner withdraw the 35 U.S.C. § 103(a) obviousness rejection to claims 3 and 4 which depend from allowable independent claim 5.

Obviousness Rejection Based on Koitabashi in view of U.S. Patent No. 6,134,025 to Takeuchi et al.

Claim 7 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Koitabashi in view of Takeuchi et al. (U.S. Patent No. 6,134,025) (hereinafter "Takeuchi"). Applicants respectfully traverse this rejection, as hereinafter set forth.

The 35 U.S.C. § 103(a) obviousness rejections of claim 7 is improper because the cited references do not teach or suggest all of the claim limitations.

Claim 7 depends from claim 2, which in turn, depends from allowable independent claim 5. The nonobviousness of independent claim 5 precludes a rejection of claim 7, which depends

therefrom because a dependent claim is obvious only if the independent claim from which it depends is obvious. *See* In re Fine, 5 U.S.P.Q.2d 1596, 1600 (Fed. Cir. 1988), *see also* MPEP § 2143.03. Therefore, the Applicant requests that the Examiner withdraw the 35 U.S.C. § 103(a) obviousness rejection to claim 7, which depends from allowable independent claim 5.

Obviousness Rejection Based on Koitabashi in view of U.S. Patent No. 6,378,976 to Byers et al.

Claims 8 and 9 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Koitabashi in view of Byers et al. (U.S. Patent No. 6,378,976) (hereinafter "Byers"). Applicants respectfully traverse this rejection, as hereinafter set forth.

The 35 U.S.C. § 103(a) obviousness rejections of claims 8 and 9 are improper because the cited references do not teach or suggest all of the claim limitations.

Claims 8 and 9 depend from claim 2, which in turn, depends from allowable independent claim 5. The nonobviousness of independent claim 5 precludes a rejection of claims 8 and 9, which depend therefrom because a dependent claim is obvious only if the independent claim from which it depends is obvious. *See* In re Fine, 5 U.S.P.Q.2d 1596, 1600 (Fed. Cir. 1988), *see also* MPEP § 2143.03. Therefore, the Applicant requests that the Examiner withdraw the 35 U.S.C. § 103(a) obviousness rejection to claims 8 and 9, which depend from allowable independent claim 5.

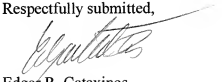
ENTRY OF AMENDMENTS AND NEW CLAIMS

The proposed amendments to claim 2 and new claims 28-33 above should be entered by the Examiner because the amendments and added claims are supported by the as-filed specification and drawings and do not add any new matter to the application. Specifically, claim 2 has been amended to depend from allowable independent claim 5. New claims 28-33 are identical to as-filed claims 2-4 and 7-9, except that they depend from allowable independent claim 6. Further, the amendments do not raise new issues or require a further search.

CONCLUSION

Claims 1 through 9 are believed to be in condition for allowance, and an early notice thereof is respectfully solicited. Should the Examiner determine that additional issues remain which might be resolved by a telephone conference, he is respectfully invited to contact Applicants' undersigned attorney. This amendment is submitted concurrently with a Request for Continued Examination. No new matter has been added.

Respectfully submitted,



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